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July 16, 2024

VIA ECF

The Honorable Leo M. Gordon
United States Court of International Trade
One Federal Plaza
New York, New York 10278-0001

Re: *Gardner v. Combs, et al.*,
Civil Action No. 2:24-cv-07729

Dear Judge Gordon:

We are counsel for Defendant UMG Recordings, Inc. (incorrectly sued herein as Defendants Uptown Records, MCA Inc., and Universal Music Group) (hereinafter “UMGR”) in the above-captioned matter. We write on behalf of our client UMGR and co-defendant Sean Combs (together, “Defendants”) to respectfully request that the Court enter a scheduling order providing for Defendants to answer, move, or otherwise respond to Plaintiff Liza Gardner’s (“Plaintiff”) complaint thirty (30) days after resolution of Plaintiff’s anticipated motion for remand or by September 25, 2024 (consistent with the agreement previously reached for Mr. Combs), whichever date is later. Plaintiff’s counsel has not responded to multiple requests for his position on this Request.

By way of background, Plaintiff commenced this action by filing a complaint in the New Jersey Superior Court, Law Division, Bergen County, captioned *Gardner v. Combs, et al.*, Docket No. BER-L-003365-24 (“Bergen County Action”). On June 13, 2024, counsel for UMGR accepted service of the Complaint by email on behalf of UMGR. As part of the same, Plaintiff and UMGR agreed that UMGR’s date to answer or otherwise respond to the complaint filed in the Bergen County Action would be sixty (60) days from service, *i.e.*, August 12, 2024. Based on our discussions with counsel for co-defendant Combs, we understand that on or about July 11, 2024, counsel for Combs similarly agreed during a telephone call with counsel for Plaintiff to accept service of the Complaint conditioned on Plaintiff’s agreement (during that same telephone call) to September 25, 2024 as the deadline for Defendant Combs to answer, move, or otherwise respond to Plaintiff’s complaint in the Bergen County Action.

On July 12, 2024, UMGR electronically filed with the Clerk, United States District Court, District of New Jersey, using the Court’s electronic filing system (CM/ECF), a Notice of Removal of the Bergen

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County Action to the United States District Court for the District of New Jersey (“Notice of Removal”).¹ As set forth in the Notice of Removal, this case is removable because there is complete diversity of citizenship between the parties and more than \$75,000 is in controversy, exclusive of interest and costs.² As also noted in the Notice of Removal, co-defendant Combs consented to and joins in the Notice of Removal. We understand that Mr. Combs, through his counsel, will formally note his consent in a filing with this Court shortly.

On July 12, 2024, counsel for UMGR served via e-mail a copy of the Notice of Removal, a Rule 7.1 Corporate Disclosure Statement for UMGR, and the Notice of Filing of Notice of Removal on counsel for Plaintiff and counsel for Defendant Combs. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), UMGR’s time within which to answer, move, or otherwise respond to the complaint would normally be July 19, 2024. However, because, as noted above, Defendants had already reached agreement with Plaintiff’s counsel on a longer briefing schedule in the Bergen County Action, on July 12, 2024, counsel for UMGR asked Plaintiff’s counsel to consent to the same response schedule provided to Defendant Combs in the Bergen County Action, so that in this federal proceeding, all Defendants who have been served could have a uniform deadline of September 25, 2024 to answer, move, or otherwise respond to the complaint. Counsel for Plaintiff did not respond to that request but did indicate that that he plans to file a motion for remand to the New Jersey state court. (Ex. A).

We have since followed up twice with counsel for Plaintiff regarding this request, once on Friday, July 12, 2024, and once on Monday, July 15, 2024, but have not received a response. (Ex. A.) Accordingly, pursuant to L. Civ. R. 6.1(b), Defendants UMGR and Combs respectfully seek a scheduling order providing for Defendants to answer, move, or otherwise respond to Plaintiff’s complaint either 30 days after resolution of Plaintiff’s anticipated motion for remand or, on or before September 25, 2024 (the same date which Plaintiff’s counsel had previously agreed upon for Defendant Combs in the Bergen County Action to answer, move, or otherwise respond to Plaintiff’s complaint), whichever is later. The request is sought to mirror extensions already agreed to in the Bergen County Action, to accommodate counsels’ deadlines in other matters, to ensure all served Defendants are moving to dismiss the Complaint on the same schedule, and to ensure the Court has time to address Plaintiff’s anticipated motion to remand before having to consider any further motion practice on the pleadings. No prior request for an extension has been made.

¹ The same day UMGR also electronically filed with the Clerk, Superior Court of New Jersey, Law Division, Bergen County, using the Court’s electronic filing system (eCourts), a Notice of Filing of Notice of Removal (“Notice of Filing of Notice of Removal”). (Ex. B.)

² Upon information and belief, Defendant Hall has not been served with the Complaint or accepted service of the Complaint.

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For the Court's convenience, we are enclosing a proposed order. We thank the Court for its consideration.

Respectfully submitted,

/s/ Jessica Greer Griffith
Jessica Greer Griffith

cc: Tyrone A. Blackburn, Esq., TBlackburnlaw.com
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